

09/165,507

JC

13071BAUS02U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schofield et al.
Serial No.: 09/931,643
Filed: 08/15/2001
For: Optical Switch Router
Art Unit: 2633
Examiner:

Commissioner for Patents and Trademarks
Washington, DC 20231

PETITION PURSUANT TO 37 C.F.R. §1.146(a) TO PERMIT ENTRY OF DECLARATION
WHEN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED

Sir/Madam:

Please accept this application on Behalf of Bruce A. Schofield, Michael Craren and James Luciani. Bruce Schofield and Micael Craren have signed the attached oath and declaration. Diligent attempts have been made (detailed in the affidavit filed in this case on May 16, 2002 and further in the attached affidavit) to obtain Mr. Luciani's signature at his last known address of:

James V. Luciani
9 Shady Lane
Acton MA 01720

In addition, diligent efforts were made to contact Andre Fredette, whose name was erroneously included on the declaration of this case, at the last known address of:

Andre Fredette
62 Duck Pond Road
Groton MA 01450-2213

These attempts were not met with success.

In view of the diligent attempts to obtain Mr. Luciani's and Mr. Fredette's signature, it is requested that the Commissioner allow this application to proceed to review in the absence of Mr. Luciani's and Mr. Fredette's signature. The appropriate fee under 1.17(h) is enclosed.

Respectfully Submitted,

Lindsay G. McGuinness
Reg. No. 38,549
Attorney for Applicant
Nortel Networks
600 Technology Park Drive
Billerica MA 01821

Attachments: Affadavit for Applicant, Lindsay G. McGuinness

Exhibits A, B, C and D

AFFADAVIT OF DILIGENCE PURSUANT 37 C.F.R. §1.46(a)

The below efforts at diligence supplement the affidavit submitted in this case on May 16, 2002.

On July 26, 2002 we received a second Notice to File Missing Parts for this application. Upon review, we determined that, due to a cut and paste error on behalf of the Applicant's Attorney, the additional name of Andre N. Fredette was erroneously included on the Declaration form for this case. The Notice to File Missing Parts was sent because Mr. Fredette had not executed the declaration.

Given Mr. Fredette is not an inventor on this case, I prepared the paperwork to remove Mr. Fredette pursuant 37. C.F.R. 1.48(a). Part of this paperwork included having the declaration re-executed by the inventors. Therefore, on September 9, 2002 I again sent the declaration paperwork and copy of the application to Mr. Luciani for signature. A copy of this letter is attached hereto as Exhibit A.

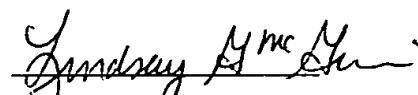
On September 18, 2002 the paperwork was returned to me. The cover envelope is shown attached hereto as Exhibit B, where it is indicated that Mr. Luciani refused delivery of the package. Given Mr. Luciani's history of non-communication with regard to this matter, I believe that my efforts have indicated diligence in pursing his signature. Therefore, please accept this declaration without Mr. Luciani's signature.

With regard to Mr. Fredette, on September 9 I sent, via certified mail, a letter requesting that he sign the statement requesting deletion as an inventor, and return the statement to me in a self-addressed stamped envelope. The letter is shown attached hereto as Exhibit C. A copy of the return receipt postcard, showing that the certified package was picked up by Nancy Fredette, Mr. Fredette's spouse, is shown as Exhibit D. Despite efforts to contact Mr. Fredette, I have not at this point received the signed statement. Thus, please accept this declaration without Mr. Fredette's signature removing him as an inventor.

Certification under 37 C.F.R. §3.73(b)

I also certify that I am empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Friday, October 25, 2002



Lindsay G. McGuinness
Reg. No. 38,549
Attorney for Applicant
Nortel Networks
600 Technology Park Drive
Billerica MA 01821

Exhibit A



**NORTEL
NETWORKS**

Nortel Networks
600 Technology Park Drive
Billerica MA 01821 - 5501
Tel 978 288 3800

www.nortelnetworks.com

James V. Luciani
9 Shady Lane
Acton, MA 01720

CERTIFIED MAIL

September 9, 2002.

RE: Patent Application Serial No. 09/931,643
For: Optical Switch Router
Our Reference: 13071BAUS02U

Dear James:

Enclosed you will find a second copy of the Declaration that still needs to be signed for the above identified patent application.

I have heard no response from you with regard to the documentation that was sent to you on December 20, 2001 or my certified mail of April. I am unclear as to whether that indicates that you do not wish to sign the documents, and if not, what the reason is. Please do not hesitate to contact me at 978-288-6304 if you have an issue with signing the documents.

I would appreciate it if you could sign the documents, and return to me in the self-addressed, stamped envelope. Please note that there is NO NOTARIZATION required, merely your signature.

If you agree to sign the document, please return the signed declaration in the signed, self-addressed stamp envelope included herewith.

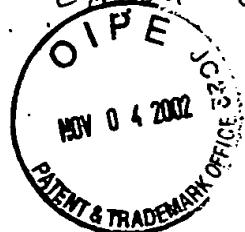
Otherwise, if I do not hear from you by September 30, 2002, I will assume, by your lack of response, that you do not wish to sign the documents.

Please do not hesitate to contact me if you have any questions or concerns.
Thank you for your assistance in this matter.

Sincerely,

Lindsay G. McGuinness
Corporate Counsel
Nortel Networks, Inc.
600 Technology Park Drive
Billerica MA 01821

(978) 288-6304



Nortel Networks
600 Technology Park Drive
Billerica MA 01821 - 5501
Tel 978 288 3800

www.nortelnetworks.com

Andre Fredette
62 Duck Pond Road
Groton MA 01450-2213

CERTIFIED MAIL

September 9, 2002

RE: Patent Application Serial No. 09/931,643
For: Optical Switch Router
Our Reference: 13071BAUS02U

Dear Andre:

I am sorry to bother you at home, but I require your assistance on a matter. In addition to the case that was filed on your behalf last year (docket number 13072BAUS02U, entitled "System, Device and Method for Managing Communication Services in an Optical Communication System"), there were numerous other cases filed on the related subject matter.

Unfortunately, while I was preparing the paperwork, I made a cut and paste error, and erroneously included you as an inventor on the 13071BAUS02U application. In order to correct this error, I need for you to sign the attached document, which I can submit to the PTO to correct inventorship. I have included a copy of the 13071BA application, in case you have questions about its subject matter, to ensure that you believe that the inventorship issues have been adequately resolved.

I have included a signed, self-addressed envelope to minimize any inconvenience that you may be caused by this matter. Your assistance is greatly appreciated. Please do not hesitate to contact me at the below number should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Lindsay G. McGuinness".

Lindsay G. McGuinness
Corporate Counsel
Nortel Networks, Inc.
600 Technology Park Drive
Billerica MA 01821

(978) 288-6304



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Examiner:

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INVENTOR STATEMENT PURSUANT 37 C.F.R. §1.48(a)

Sir/Madam:

Please delete my name as an inventor on the above identified application. My name was erroneously included as an inventor in the declaration and power of attorney paperwork when the above application was filed, without deceptive intent on my part. My signature below indicates my desire to be removed as an inventor from this application.

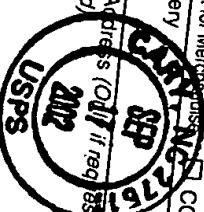
Andre FredetteDate

Exhibit D

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

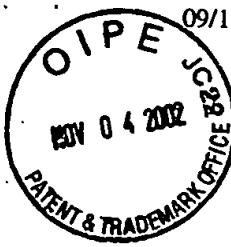
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4c, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered.
- Article Addressed to:

Andre Fredette 62 Duck Pond Rd Groton MA 01450	7001 1940 0005 3379 3299
5. Received By: (Print Name) <u>Nancy Fredette</u>	4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured <input type="checkbox"/> COD
6. Signature: (Addressee or Agent) <u>X Nancy Fredette</u>	7. Date of Delivery  8. Addressee's Address (Omit if requested) PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return
Receipt Service.

102595-98-B-0229 Domestic Return Receipt



09/165,507

S 11/12 # Receipt
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Applicant: Schofield et al.
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Office of Initial Patent Examinations Filing Receipt Corrections
and
Commissioner for Patents and Trademarks
Washington, DC 20231

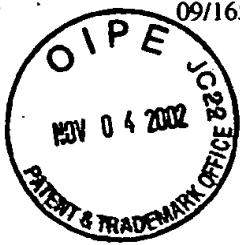
PETITION TO CORRECT FILING RECEIPT

Sir/Madam:

Applicant hereby requests that Andre N. Fredette be removed as an inventor on the filing receipt of the above identified invention. As detailed in the papers filed herewith, Andre N. Fredette's name was erroneously included in the declaration and power of attorney paperwork by Applicants' Attorney. The inventorship for the above identified case includes only Bruce A. Schofield, Michael J. Craren, and James V. Luciani. The marked up filing receipt is attached hereto.

Lindsay G. McGuinness
Reg. No. 38,549
Attorney for Applicant
Nortel Networks
600 Technology Park Drive
Billerica MA 01821

Friday, October 25, 2002



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Washington, DC 20231

PETITION PURSUANT TO 37 C.F.R. §1.48(a)

Sir/Madam:

Applicant hereby requests that Andre N. Fredette be removed as an inventor in the above identified patent application. Andre N. Fredette's name was erroneously included in the declaration and power of attorney paperwork by Applicants' Attorney. The inventorship for the above identified case includes only Bruce A. Schofield, Michael J.Craren , and James V. Luciani.

Enclosed please find the following paperwork:

A newly executed Oath and Declaration, executed by Mr. Schofield and Mr. Craren. Mr. Luciani has refused to sign the declaration paperwork, and Mr. Fredette has not returned the paperwork to remove himself as an inventor, despite diligent efforts on Applicants behalf. Thus, also included herein is a petition under 37 C.F.R. 1.146(a), including an affidavit describing diligence provided by the Attorney for the Applicant, to allow the case to continue despite Mr. Luciani's and Mr. Fredette's lack of cooperation. In addition, the required processing fee of \$130.00 is authorized.

11/06/2002 NM0HMM1 00000149 501940 09931643

03 FC:1460 130.00 CH